Typed: September 2nd, 2015

The regular monthly meeting of the Board of Supervisors of Cass Township was held Thursday, August 27th, 2015 at 6:30PM at the Township’s Municipal Building, Duncott, PA


Chairman John M Walaitis called the meeting to order.

All recited the Pledge of allegiance to the flag.


Edward M. Brennan, Solicitor - present.

Evelyn J. Bergan, Secretary/Manager - present.

Richard C. Clink, Chief CTPD - present.

John states that the minutes from the July 2015 Supervisors meeting have been placed at each seat. Please review them and inform the Board if there are any changes. John asks for a motion to dispense reading of the minutes and accept as typed if there are no corrections or omissions. John calls for a motion to accept the minutes as typed. Mike makes the motion. James seconds. Motion passed. Roll call of Officers: Unanimous vote.

John calls for public comment/discussion at this time.

Please raise your hand; state your name & address for the record.

Marion Twigg, Forest Lane - states that she had a problem with her trees being cut and she would like to let everyone know that the survey has been done and she has copy of it. She asked where to go from this point. Solicitor Brennan states that as they discussed, he will provide her with contact information and she can contact the insurance company directly. Marion also states that in her previous letters to the Township regarding the incident where her trees had been cut, she stated that John Kalovcak had a disrespectful attitude towards her; she wants it to reflect as record that no other employees were disrespectful – all of the other employees were very respectful – especially Robert Bertasavage – and if he was accused of being disrespectful to her, that is untrue. She requests that any disciplinary action be expunged from Robert’s record because she never said he was disrespectful to her and would like it clarified so it is not on Robert’s record.

Lynn Schies, Forestville – Asks about the White Lane and Line Avenue storm drain project stating it’s not on the agenda and asked why not stating that it was discussed with James and she was told it would take place after school started in September – she added that it’s in the budget. James states he did not want the job to start with only one guy (worker). Lynn states
she doesn't want it to linger on until November and then you will state it can't be done and then it'll be Spring. James asks Mike if there is money in the budget for (2) catch basins. Mike says he believes so. James states that it will be started. Lynn asks if it will be September. James replies we'll start it.

Chris Ternowchek, Flag Lane – Submits an estimate to the Board for damage she claims was done to her by the Township employees while plowing; she states James looked at them. James responds that they talked about it; Chris states she understands what he was saying, but she wants to submit the estimate regardless.

Theresa Walsh, Forestville – States she has no problem with the Condors sign or the new police car stating the officers should always have something decent to drive, however; she states that there is no money for road projects but Woodside Road is in such poor condition - contrary to what the Board says, it will not hold up this winter – it’s being eaten away before the snow even gets here. She states she has two kids that live in the Rockledge Development that have to use 901 to visit her in Forestville. Theresa asks Tax Collector, Ann Marie Studlak, an estimate of taxes generated in taxes from each Rockledge home. Ann Marie states $3,000-$5,000 per home per year. Theresa states there’s no money to fix that road, but we are talking about the Condors Complex, the playgrounds (which she doesn’t have a problem with), but states that every road in this Township should have been taken care of before thinking about anything else. Theresa states that she understands there is a power struggle going on which she is not a part of, but after living here all of her life and attending Township meetings, she has never seen the animosity and power struggles that go on now. That’s not how this Township was ran, nor should it start to be - let’s get our roads in order and then worry about other things because the roads are in shambles and it’s a disgrace to say that money is being spent everywhere else. She states she doesn’t care if the Board spends the money, but let’s take care of business first.

Marion Twiggs – States that she agrees with Theresa – she personally travels Woodside Road and it’s one of the worst roads she has seen in a long time. Lynn Schies adds that emergency vehicles need to travel Woodside as well.

Shane Harris, Forest Lane – States that he has called the police several times about the kids being over in the playground past curfew and behaving badly which effects his family and other neighbors and states that he’s going to take the matters into his own hands. Shane adds that he doesn't see police patrolling the playground. Chief Clink states that his officers patrol the area and some have spoke to the kids a few times. Shane explains the issues further. Chief Clink states again that the police patrol that area and he apologizes that Shane doesn’t feel it’s effective. He urges Shane to continue to call the non-emergency number and report the incidents. Shane states he’d like something done about the kids being there after curfew and adds that the other neighbors are fearful of retaliation so they won’t report it or say anything to the kids, but something has got to be done. The discussion between Shane and the Chief continues. Chief Clink states the PD will keep an eye on it.

Diane Kanezo, 105 Thomaston Road – Asks about a vacant property located at 44 Courtney’s Road (Heckscerville) owned by Ellen O’Neill who lives in Texas. She states that the property has been vacant for over a year and was wondering if the Board could get into contact with her
to find out whether or not she is interested in selling the property – people are interested in buying it and have been asking. John asks if it's on Reading property. Solicitor Brennan asks if was cited for anything (code enforcement issues). Diane states she doesn't know. Solicitor Brennan states he will check his files – this may be the home that was cited for mold and other code enforcement issues.

Joe Smulley, Forestville – Asks the Board for the record if they have taken ownership of the Condors sign. Mike responds yes, it's on Township property.

Chris Ternowchek – Asks with the purchase of the new police vehicle, how many vehicles are we going to have. John states we will get to that in the agenda items, but we are going to put (2) up for sale on Municibid.

Theresa Walsh – States there was a fund set-up called the playground fund which has $7,000 in it – and asks what the Board's intent is for that money because she was thinking of a covered pavilion at the Forestville playground for the families to utilize. Mike states he would like to address this same issue due to the statements that were made by (Theresa's brother) Vince Purcell at last month's meeting. Theresa states she is not Vince. Mike states he realizes that, but he wants to address it this month regardless. Mike states that Vince claims that his family sold subs to raise money for the playground. Theresa states it was t-shirts. Mike states ok... so the t-shirts were sold for the playground fund – not for a pavilion. Theresa agrees and states she is not giving Mike a hard time, she just wants to know what the money will be used for. Mike states that the pavilion idea was brought up a few years ago at a meeting by Theresa's family in which they asked the Board if a pavilion could be purchased and installed by the family in memory of family members that have passed away; he asked Theresa if that is correct. She agreed. Mike states that Vince mentioned that his family raised $7,000. Theresa states her family didn't raise all of it. Mike states there was one donation by Theresa's family members to the playground fund in April of 2008 from a bake sale and t-shirt sales – the amount of that donation was $114.00. Theresa asked where the rest of the money came from. Mike states that the other money that Vince is talking about is not in the Playground Fund – it's in the Sesquicentennial Fund. Theresa asked what that money is to be used for. Mike states that money was ear-marked years ago for a walking path around what was known as Fannie's Field - which is now Condors Complex. Theresa asks if they want a pavilion in Forestville and wanted to raise funds for it, could they do that. Mike states yes, there's nothing against raising funds for playground projects.

Elvin Brennan, Forestville – Asked isn't there any money for roads. Mike replied we are spending $144,000 on Schaeffer's Hill Road. Elvin states on that one road and that's all you have. Mike replies no, that's not all we have; there's another road program on the agenda. Elvin asks you're going to do that road and that's all. Mike states yes, that's all for this year. Elvin asks Mike how the Board is going to pay for the new building that was spoke about in the paper, and states if you have no money now for roads, how are you going to afford a building. Mike asks if Elvin realizes how much this building costs the Township per year. Mike states that the Board was asked that question two meetings ago by John Pritz - he was looking for a ballpark figure of what it cost to operate this building last year. Mike states $52,000 a year to operate. Elvin asked what we got from Child Development, Inc. Mike states $36,000. Elvin states that $20,000 is spent then. Mike states that $28,000 is spent for heating oil and $6,500
goes to pay for electricity. A discussion continues on between the audience and Mike. John states that this building is steam heat and asks if everyone realizes how much oil is needed to be burned to make steam for the heat. Mike asks Elvin if he wants to pay $28,000 per year to heat a building. Elvin asked why the rent ended. Mike states because CDI did not renew their lease. A discussion then ensues between several audience members and Mike regarding several issues relating to the new building, as well as, keeping the current building going.

Chris Ternowchek — Asked if we sell this building, where will the trucks be kept. John states they would most likely be kept here until we had to move out. Chris also asked about a new maintenance building stating it’s all about the main building. Mike states that a new maintenance building is in the plans.

Chairman Walaitis closes the audience discussion.

**Police Vehicle Purchase** — John states that since the Board is purchasing a new police vehicle, they would like to sell the 2001 Chevy Impala and the 2008 Ford Explorer and would like them both to be placed on Municibid for sale. John calls for a motion. Mike makes the motion. Hearing no second, John seconded. Motion passed. Roll call of Officers: Unanimous Vote.

**2015 Road Program Update** — Johns asks James to give an update. James gives an overview of events from last week’s construction, as well as, this week’s, and states that construction is underway and the travel lane will be paved tomorrow (08/28); he asks motorists to please watch your speed.

**Green Avenue** — John states that (2) phone quotes have been obtained for the paving of Green Avenue: Schuylkill Paving - $18,000 and New Enterprise Stone & Lime Co, Inc. - $26,560. John calls for a motion to accept the lowest bidder’s proposal and award the project to Schuylkill Paving. Mike makes the motion. John seconds. Motion passed. Roll Call of Officers: Michael Kulpcavage — aye. John Walaitis — aye. James Wentz — nay. James states that he feels that there are safety issues on other roads; Woodside is a hazard for motorists. Mike addresses James and states that Mr. Buggy is cleaning up bucketfuls of stone and dirt from his property after it rains and he lives 300 feet from Green Avenue, as well as, the fact that there are disabled people living in that area that cannot walk on that roadway the way that it is and you are aware of it Jamie. Those are safety issues as well.

**South Maple Avenue** — Solicitor Brennan states that Diane Lenick has indicated that the road that runs in front of (Barbara) Reilly’s home (and their neighbor’s homes) is a Township road. Solicitor Brennan states that one option is for the Board to speak to the residents about purchasing the area in front of their homes — if they would like to do so, the Board would have to abandon the road and then the residents could take title to the center of the roadway. James states he would not abandon it and he doesn’t agree with that option because there is congestion if two vehicles need to get through on the top road and cannot do so, they can take the lower road to pass through. He adds that two vehicles cannot pass on the top portion and his fear is that if the homeowners purchase the areas, they will block it and not allow passage through. Solicitor Brennan states that the homeowners cannot block passage and the Board doesn’t have to sell the areas to those residents, but since they asked a few months ago for
something to be done (by the Board) because they park their cars there, you may want to speak with them and see what they’d like to do. Ed states that it is a Township road, but it hasn’t been maintained. James states we plow it. Ed says he didn’t realize that, he was under the impression that it wasn’t maintained. Mike states he doesn’t believe it was plowed in previous years. Ed refers back to the road in Pine Knot stating this is a similar situation — that original road was closer to those homes, but the State abandoned it and the residents took the areas in front of their homes (which was the original road) to park their cars, etc. — that road (in Pine Knot) is not a Township road, but the road at South Maple is (a Township road). Ed states he is just giving his opinion, but it is a Township road based on the survey; and if the residents are asking you…or would petition the Board, you should really discuss it with them first.

Condors Complex / Tree Quote — John states there approximately 20-30 trees that need to be cleared for the lighting project and the Board would like to gain quotes/bids to have the work done. John asks for a motion to have the trees cut and to obtain quotes — accepting the lowest quote/bid under $1,500. Mike makes the motion. John seconds. Motion passed. Roll Call of Officers: Michael Kulpcavage — aye. John Walaitis — aye. James Wentz — nay.

Planning Commission: No meeting was held since there were no submissions; however, there are submissions for this coming month/meeting.


Formal action to accept treasurer’s report and pay all outstanding bills as can be paid at this time. Reports are on file for review. John makes motion. James seconds. Roll call of Officers: Unanimous vote.

Municipal Authority report: There was no meeting. The next property disposition will be scheduled for the Willow Lane/Blue Lane area. John states (2) properties have been surveyed so far.


Correspondence:

Crestview Property Management, LLC -- John reads the letter to the audience and states they are asking to be considered for any type of property maintenance/clean-up. John states we will take it into advisement and into consideration if these services are needed.


Old / New Business:

PEMA/FEMA Haz-Mit Program — Solicitor Brennan states that he spoke with PEMA and they are questioning the coal lands/leased properties and state they want documentation from
County. Ed met with the County Solicitor who states that they may deed to coal rights to the Township. Solicitor Brennan states he spoke with Bill Hanley, as well as others, and the issue lies with PEMA and FEMA because their criteria differs regarding leased properties – they need to work this out amongst themselves.

Cherry Valley Waterline – Solicitor Brennan states he sent this to Reading Anthracite in January and explained he had since spoke to their lawyer and stated that if they don’t agree with it, the Township will need to proceed with condemnation. Ed states that if that is the case, and the Board needs to do so, they will need to obtain an appraisal. John makes a motion to authorize Solicitor Brennan to attain an appraiser (if necessary) for the Cherry Valley Waterline. James seconds. Motion passed. Roll Call of Officers: Unanimous Vote.

Commonwealth Court – State of Pennsylvania -- Ed states that the Commonwealth Court has confirmed Judge Dolbin’s dismissal of all but one of the defamation complaints by Frederick Roehrig, Krista Roerig, and Big Diamond Speedway. The Court basically said no merit with one exception which is a defamation complaint that is pending against former Supervisor, Jim Thomas. The entire lawsuit has been thrown out against the Township, as well as, John Walaitis and Mike Kulpcavage. Ed states this is good news – this started out as a Federal lawsuit in which they claimed their civil rights were violated. A motion was filed in Federal Court and claims of Federal Civil Rights violations were withdrawn. It proceeded to the Common Pleas Court on allegations of interfering with their contractual rights, etc. and they were all dismissed. They do have a right to appeal within 30 days - the decision is dated August 18th – Solicitor Brennan goes on to explain, however, that there is no automatic right to appeal in the Supreme Court of Pennsylvania. They could submit a petition asking to please hear our appeal, however, the odds of the Supreme Court hearing the appeal is very slim, but this is not final until the 30 days has lapsed. Joe Smulley asks if Solicitor Brennan is still representing this Township against the Big Diamond Speedway in Schuylkill County Court besides the case he just told the people. Solicitor Brennan states yes. Joe asked why he didn’t tell them that one. Solicitor Brennan states because it’s still pending. This discussion turned into a heated argument and Joe began shouting at Solicitor Brennan. John struck the gavel to bring order to the meeting and Chief Clink instructed Joe to remain quiet until the meeting adjourned. Solicitor Brennan states that to answer the question, the Big Diamond lawsuit is still pending and they have made an offer to settle, but the biggest lawsuit they filed was dismissed almost in its entirety by the Commonwealth Court which is the lawsuit that they claimed their rights were violated because the police harassed them, etc. -- these complaints were all thrown out with no merit. The only suit that is left pending is the one on whether or not they will pay the amusement taxes owed – some of which, they admit they owe – we are negotiating.

7:20pm - John states that at this time, the Board would like to recess for executive session. Meeting reconvenes at 7:55pm.

With no further business at hand, John calls for motion to adjourn. Mike seconds. Motion passed. Roll Call of Officers: Unanimous Vote.

Time meeting adjourned: 7:55pm.
The next monthly Cass Township Supervisors meeting will be held Thursday, September 24th, 2015 at 6:30 pm at the Cass Township Municipal Building, Duncott.